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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,132	03/10/2000	Yasunao Okazaki	10873.506US01	6038

23552 7590 08/14/2002

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EXAMINER

LEE, BENNY T

ART UNIT

PAPER NUMBER

2817

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

523132

Applicant(s)

Okazaki et al

Examiner

B. Lee

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 28 May 2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 2-17 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 2-10 is/are allowed.
- ☒ Claim(s) 11-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 May 2002 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Toyoshima (of record).

Toyoshima discloses a substrate (3) having a high frequency circuit (4) disposed thereon with input/output terminals (5, 6) connected to the high frequency circuit. The high frequency circuit and substrate are disposed within a metal package or housing (1) having a "cover" (2) corresponding to the claimed "lid". Moreover, a metallic coating or conductor (10), a dielectric coating (9) and a resistive film (8) constitute a structure corresponding to applicants' claimed "cover" structure (i.e. since such a structure "covers" the input and output lines as well as the high frequency circuit) Such "cover" being within the interior of the housing, and effectively eliminates unwanted higher order waveguide modes within the metal box.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima in view of Buck et al (both of record) for reasons of record.


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Applicant's arguments filed 28 May 2002 have been fully considered but they are not persuasive.

Applicants' have argued that the Toyoshima package fails to disclose the amended "lid" and a separate "cover" structure as presented in the amended claims.

Contrary to applicants' assertion, the Toyoshima reference does indeed provide a "lid" (defined by "cover 2") and a separate "cover" [i.e. conductive, insulative, and resistive structures (8, 9, 10)]. It should be noted that waveguide modes within microwave packages are undesirable modes, and certainly are of a higher order due to their undesirability. Thus Toyoshima does indeed meet the claimed invention, as recited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Lee whose telephone number is (703) 308 4902.

  
BENNY T. LEE  
PRIMARY EXAMINER  
ART UNIT 2817

B. Lee

August 7, 2002